APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,587	06/04/2001	Lowell Winger	CISCP249/4147	5663

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EXAMINER
LEE, RICHARD J

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *9/27/01*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

1.   The disclosure is objected to because of the following informalities:

(a) even though the acronym "EOB" is well known, "EOB" as disclosed in the

Specification should be spelled out when first introduced for clarity; and

(b) the disclosure contains an embedded hyperlink and/or other form of browser-

executable code as shown at pages 16 and 17, respectively. Applicant is required to delete the

embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Appropriate correction is required.

2.   Claims 1-10, 12, and 16 are objected to because of the following informalities:

The acronym "EOB" as shown in claims 1-10, 12, and 16 should be spelled out when

first introduced for clarity (see above paragraph (1), item (a). Appropriate correction is required.

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4.   Claims 1-3, and 6-10 rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the enablement requirement. The claim(s) contains subject matter which was not described

in the specification in such a way as to enable one skilled in the art to which it pertains, or with

which it is most nearly connected, to make and/or use the invention.

Step (b) of independent claims 1 and 6, respectively, recites a Markush group with the

transitional phrase "consisting of" (see MPEP 2173.05). The Specification however lacks

enablement since members (i.e., iDCT Normal, iDCT_high, iDCT_low, iDCT_AC, iDCT_DC)

of the group (i.e., iDCT algorithms) have not been disclosed to possess at least one property in

common which is mainly responsible for their function in the claimed relationship. In addition,

though the preamble of claims 1 and 6, respectively, recites reducing iDCT execution time, the

body of the respective claims does not clearly set forth the metes and bounds of such intended

function. In other words, the examining, selecting, and executing steps as shown in claims 1 and

6, respectively, do not provide any connection to the reduction of iDCT execution time as recited

in the respective preambles. As such, the preamble of claims 1 and 6, respectively, has not been

given any patentable weight.

5.   Claims 2-5, and 7-16 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

For examples:

        (1) claims 2, 3, 7, and 8 are considered indefinite since it is improper for dependent

claims 2, 3, 7, and 8, respectively, to add an element or step from claim 1 which "consists of"

recited elements (see MPEP 2111.03);

        (2) claim 4, line 5, "said EOB" shows no clear antecedent basis;

        (3) claims 9 and 10 are considered indefinite since it is improper for dependent claims 9

and 10, respectively, to add an element or step from claim 6 which "consists of" recited elements

(see MPEP 2111.03); and

        (4) claim 11, line 3, after "plurality of", "iDCT" should be properly inserted in order to

provide proper antecedent basis for the same as specified at line 2.

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this
> or a foreign country, before the invention thereof by the applicant for a patent.

7.   Claims 1, 4, 6, and 11-13 are rejected under 35 U.S.C. 102(a) as being anticipated by

Murata et al (Fast 2D IDCT Implementation with Multimedia Instructions for a Software

MPEG2 Decoder).

        Murata et al discloses an MPEG2 decoder system as shown in Figure 5, and the same

method, system, and computer readable medium containing instructions for reducing iDCT

execution time, comprising the same examining the coefficients of a DCT block to determine the

position of the EOB coefficient (see page 3106, section 2.3, page 3107, section 3.1); selecting an

iDCT algorithm from the set consisting of iDCT Normal, iDCT_high, iDCT_low, iDCT_AC,

iDCT_DC (i.e., only one of the algorithms is required for anticipation under the Markush group,

see Figure 5, page 3107, section 3.1); executing the iDCT algorithm (see pages 3107, sections

3.1 and 3.2); determination means for determining the position of an EOB coefficient in a DCT

block (see page 3106, section 2.3, page 3107, section 3.1), selection means for selecting an iDCT

algorithm based upon the position of the EOB (see page 3106, section 2.3, page 3107, section

3.1), and execution means for executing the iDCT algorithm (see pages 3107, sections 3.1 and

3.2); and a plurality of iDCT algorithms (see Figure 4, page 3107, section 3.1), a switch for

selecting a selected algorithm from the plurality of algorithms, the plurality of algorithms

comprising iDCT Normal, iDCT_high, iDCT_low, iDCT_AC, iDCT_DC, the switch accepts as

input a block of DCT coefficients, an EOB address, and a picture type rate (see Figure 5 and

page 3106, section 2.3, page 3107, section 3.1), and a computer processor for executing the

selected algorithm (see pages 3107-3108, sections 3.1 and 3.2).

8.   Claims 5 and 14-16 would be allowable if rewritten to overcome the rejection(s) under 35

U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of

the base claim and any intervening claims.

9.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Liu et al discloses a method and apparatus for hybrid VLC bitstream decoding.

Singh et al discloses a method and device for gathering block statistics during inverse

quantization and iscan.

Strongin et al (5,872,866) discloses a method and apparatus for improved video

decompression by predetermination of IDCT results based on image characteristics.

Strongin et al (5,768,536) discloses generation of a secondary video bitstream from a

compressed video bitstream to enhance playback performance.

Strongin et al (6,002,801) discloses a method and apparatus for improved video

decompression.

10.   Any response to this action should be mailed to:

> Commissioner of Patents and Trademarks
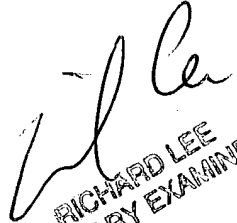> Washington, D.C. 20231

or faxed to:

> (703) 872-9314, (for formal communications intended for entry)

> (for informal or draft communications, please label "PROPOSED" or "DRAFT")

> Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.

Richard Lee/rl

9/28/04